UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION) MDL No. 1456) Master File No. 01-12257-PBS) Subcategory Case No. 06-1133
THIS DOCUMENT RELATES TO:) Judge Patti B. Saris
State of California, ex rel. Ven-A-Care of the Florida) Magistrate Judge
Keys, Inc. v. Abbott Laboratories, Inc., et al.) Marianne B. Bowler
Case No: 1:03-cv-11226-PBS)
)

DECLARATION OF NICHOLAS N. PAUL IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' JOINT MOTION FOR PARTIAL SUMMARY JUDGMENT

- I, Nicholas N. Paul, do hereby declare as follows:
- 1. I am a Supervising Deputy Attorney General with the California Department of Justice, Bureau of Medi-Cal Fraud and Elder Abuse. I am admitted to practice law in the State of California and have been admitted *pro hac vice* in this matter.
- 2. On behalf of Plaintiff State of California, I am submitting with this declaration Exhibits in support of the Plaintiffs' Opposition to Defendants' Joint Motion for Partial Summary Judgment and as referenced in Plaintiffs' Response to Defendants' Joint Statement of Undisputed Facts and Statement of Additional Undisputed Facts in Opposition to Defendants' Joint Motion for Partial Summary Judgment.
 - 3. The following exhibits are true and correct copies of the materials described:

Exhibit No.	Description
1	Rule 30(b)(6) Deposition of the California Department of Health Care Services (J. Kevin Gorospe), taken December 3, 2008, selected pages.
2	Deposition of Deidre Duzor, taken October 30, 2007, selected pages
3	Deposition of Deidre Duzor, taken February 27, 2008, selected pages

4	Rule 30(b)(6) Deposition of the California Department of Health Care Services (Stanley Rosenstein), taken November 6, 2008, selected pages.
5	Rule 30(b)(6) Deposition of the California Department of Health Care Services (Maureen Tooker), taken October 21, 2008, selected pages.
6	Deposition of Douglas Hillblom, taken September 23, 2008, selected pages
7	Deposition of J. Kevin Gorospe, taken September 22, 2008, selected pages
8	Deposition of J. Kevin Gorospe, taken March 19, 2008, selected pages
9	Declaration of Sue Gaston, dated June 15, 2009, filed in the action entitled <i>City of New York, et al. v. Abbott Laboratories, et al.</i> , Master File No. 01-12257-PBS, Docket No. 6144-2
10	Declaration of Dona Coffman, dated November 25, 2009, filed in the action entitled <i>City of New York, et al. v. Abbott Laboratories, et al.</i> , Master File No. 01-12257-PBS, Docket No. 6693-2
11	Declaration of Jeffrey J. Leitzinger, Ph.D., dated December 18, 2009
12	Declaration of Jeffrey J. Leitzinger, Ph.D. Regarding Defendant Dey, dated November 19, 2009
13	Declaration of Jeffrey J. Leitzinger, Ph.D. Regarding Defendant Mylan, dated November 19, 2009
14	Declaration of Jeffrey J. Leitzinger, Ph.D. Regarding Defendant Sandoz, dated November 19, 2009
15	Demonstrative charts portraying extent of spreads on Defendants' subject drugs
16	Expert Report of Stephen W. Schondelmeyer, Ph.D., dated June 30, 2009
17	Deposition of Stanley Rosenstein, taken May 19, 2009, selected pages
18	Expert Report of Professor Theodore R. Marmor, Ph.D., dated June 30, 2009
19	Deposition of Daniel L. Rubinfeld, Ph.D., taken September 22, 2009, selected pages
20	Addendum to the Final Statement of Reasons (CAAG/DHS0089546-549)
21	Rule 30(b)(6) Deposition of the California Department of Health Care Services (Stanley Rosenstein), taken November 6, 2008, Ex. 37.
22	Deposition of Stephen W. Schondelmeyer, Ph.D., taken September 15, 2009, selected pages
23	Deposition of Stephen W. Schondelmeyer, Ph.D., taken September 16, 2009, selected pages
24	Exhibit 7 to the Expert Report of Jeffrey J. Leitzinger, Ph.D – Dey (June 30, 2009)

25	Exhibit 7 to the Expert Report of Jeffrey J. Leitzinger, Ph.D – Mylan (June 30, 2009)
26	Exhibit 7 to the Expert Report of Jeffrey J. Leitzinger, Ph.D – Sandoz (June 30, 2009)

I declare of under penalty of perjury that the foregoing is true and correct.

Executed December 21, 2009, at San Diego, California.

/s/ Nicholas N. Paul NICHOLAS N. PAUL

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 21, 2009, a copy of Lexis-Nexis for posting and notification to all parties.

/s/ Nicholas N. Paul NICHOLAS N. PAUL